

A Maryland Judiciary Production
My Laws, My Courts, My Maryland
EXPUNGEMENT: ELIGIBILITY FOR FAVORABLE DISPOSITIONS—PART 2

Welcome to the Maryland Courts' six-part video series on expungement.

While it's important for court records to be open to the public, in certain cases, you may ask the court to expunge your criminal record. If the court grants your request, information about your case will be removed from court and law enforcement records.

This series covers expungement of adult court and law enforcement records only. It does not address juvenile records or records from other state agencies.

In this video, we explain expungement eligibility for five favorable dispositions. If your case had a different outcome, see the other videos in this series. You can find your case disposition, or status, on your court paperwork. This information is also available on Case Search at mdcourts.gov/casesearch.

You will be learning a lot of new terms, so consider using the tip sheet and taking notes. Let's get started with our discussion of favorable dispositions that are eligible for expungement.

CHAPTER HEADING FULL SCREEN TEXT: FAVORABLE DISPOSITIONS ELIGIBLE FOR EXPUNGEMENT

A favorable disposition means that your case did not end with a guilty finding. If you were not convicted, your case may be eligible for expungement.

The first type of favorable disposition is an acquittal or not guilty finding. This could happen two different ways. The court may make a finding of not guilty after a trial. Or, the court may accept your plea of not guilty.

The next type of case eligible for expungement is a dismissal.

The third type of favorable disposition involves the State's Attorney. Did that office choose not to prosecute your case? In your case record, it's called nolle prosequi or nolle pros.

The fourth type is called stet. This means your case was indefinitely postponed.

Two more favorable dispositions are also eligible for expungement. Let's discuss those now.

CHAPTER HEADING FULL SCREEN TEXT: NUISANCE CRIMES AND PROBATION BEFORE JUDGMENT

Your case is eligible for expungement if you were found not criminally responsible for nuisance crimes listed in the Criminal Procedure Article. Look in section 10-105, subsection (a)(9) or (a)(10). That law lists nuisance crimes including urinating in public, panhandling, sleeping on park benches, loitering, trespass, disturbing the peace, and telephone misuse. There are more, including some transportation crimes. Consider checking with a lawyer or law librarian to see if this law applies to you.

Another type of favorable disposition is called probation before judgment. You may hear it called PBJ. Cases that end with a PBJ are also eligible for expungement, but there are complicated exceptions. That's why we made a video to address just PBJ cases. Be sure to watch Part 3 in this series if you received probation before judgment.

Even if your case falls into one of these categories, there are circumstances in which the court may not be able to grant your request for expungement. Let's go over two exceptions.

CHAPTER HEADING FULL SCREEN TEXT: EXCEPTIONS

Your case cannot be expunged if you are currently a defendant in a pending criminal case. Wait until the case is over before trying to expunge any case record.

Your case also cannot be expunged if even one of the charges in your case is ineligible. In other words, let's say you were charged with multiple crimes in a single event or "unit." If one of those charges is not eligible for expungement, then all charges in that unit are ineligible. However, Minor traffic offenses that don't involve jail time are not taken into consideration.

Let's review.

CHAPTER HEADING: SUMMARY

The court may be able to expunge a case with favorable dispositions. This includes cases that ended in acquittal, dismissal, PBJ, nolle pros, stet, or where you were found not criminally responsible. Be sure your case is over and that no charge in the unit is ineligible for expungement before filing your request.

One last thing: Before you ask the court to expunge your case, be sure you know how long you must wait before submitting your petition. For more information, view the expungement video on when to file.

On behalf of the Maryland Courts, we hope this video on expungement of cases with favorable dispositions is helpful. Thanks for watching.